

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
v.)	
)	Case No.: 2:23-cr-184-LSC-JHE
VARRIE JOHNSON,)	
)	
Defendant.)	

SCHEDULING ORDER AND NOTICE

This Order and Notice applies to cases that will be scheduled on the **Tuesday, September 05, 2023** Trial Docket. Consent Dockets will be held by the judges on the following dates:

Judge Coogler	September 1, 2023 Birmingham, AL
Judge Proctor	August 28, 2023 Tuscaloosa, AL
Judge Haikala	August 22, 2023
Judge Axon	August 28, 2023
Judge Burke	August 29, 2023
Judge Maze	August 23, 2023 Huntsville, AL
Judge Manasco	August 25, 2023 Anniston, AL
Judge Bowdre	August 30, 2023
	August 24, 2023

PRETRIAL MOTIONS:

1. The defendant is **DIRECTED** to file any appropriate motions within the scope of Rules 12(b)(2) or (3) not later than **Monday, August 14, 2023**, unless otherwise ordered. The government must file a written response to such a motion not later than **Monday, August 21, 2023**, unless otherwise ordered. No motion may be filed after the deadline absent an express statement of good cause for the delay and a statement of reasons. No motion for an extension of time in which to file pretrial motions will be considered in the

absence of express factual allegations establishing good cause for delay. No extensions will be granted to a party unless there is complete compliance with paragraphs 1 and 2 above.

2. The motion of any party **MUST** comply with Rules 47(b) and (c).

SPECIAL PRETRIAL MOTIONS

3. A motion by the government pursuant to Rule 12.1(a)(1) (alibi) must be made not later than **Monday, August 14, 2023**. In the event the government makes such a request, the defendant's written response is due not later than **Monday, August 21, 2023**.
4. If deemed necessary, the defendant is **DIRECTED** to file any motion or notice described in Rule 12.2(a) or (b) (insanity or mental condition) not later than **Monday, August 14, 2023**. A motion to determine a defendant's competency under 18 U.S.C. § 4241 or the defendant's mental state at the time the offense was allegedly committed under 18 U.S.C. § 4242 must be filed by **Monday, August 14, 2023**, accompanied by the statement of the reasonable grounds for concluding relief is warranted.

SCHEDULING-PRELIMINARY RULE 17.1

The parties are **DIRECTED** to contact the undersigned magistrate judge via Maire Read by email at Maire_Read@alnd.uscourts.gov in order to conduct a preliminary Rule 17.1 conference, if necessary. An attorney for each party is to participate unless otherwise agreed in advance by the parties that one lawyer may communicate with the court on behalf of both parties. The telephone conference is to take place on the earliest practical business day the lawyers are able to determine whether the case is to be placed on the consent docket or be scheduled for trial but,

in any case, not later than **3:00 p.m. on Monday, August 14, 2023**. It is not necessary to schedule a time for the call. The purpose of the preliminary Rule 17.1 telephone conference is to inform the court of:

- (1) Whether the defendant requests placement on a consent docket for the purpose of change of plea;
- (2) Whether the defendant will go to trial and the estimated trial length; and
- (3) Whether motions are pending under Rule 12(b)(2), *Federal Rules of Criminal Procedure*, Rule 12.2, *Federal Rules of Criminal Procedure*, 18 U.S.C. § 4241, 18 U.S.C. § 4242, or if potential hearings will be necessary for motions filed in accord with Rule 12(b)(3)(A), (B), (C), and (D).

The case will be set on the consent docket by the courtroom deputy to the district judge assigned to the matter upon receiving notice that a plea is anticipated. Not later than **Monday, August 21, 2023**, it is the responsibility of the Assistant United States Attorney and defense counsel to notify Marley Barnes at Marley_Barnes@alnd.uscourts.gov or call 205-561-1668 of any scheduling conflict or other problem.

In the event a defendant elects not to enter a plea for any reason, the defense lawyer is DIRECTED to notify the courtroom deputy for the district judge as early as possible PRIOR to the consent docket date in order to schedule the case for trial term beginning Tuesday, September 05, 2023.

Counsel to the defendant is **DIRECTED** to ensure that an Advice of Rights Certification, if and as required by the district judge, is completed in accord with the procedures established by that judge. Whether or not the trial judge requires a written Advice of Rights Form, defense counsel is required to fully explain to the defendant the rights to be surrendered with a plea of

guilty. Counsel to the defendant is **DIRECTED** to ensure that he or she can certify at a change of plea proceeding that there has been a “substantial” discussion with a defendant entering into a plea agreement in which that defendant purports to waive direct appeal and collateral review rights, of the consequences of such a decision, including the advantages and disadvantages of an appeal and the effect of a waiver.

The parties should be prepared for a Rule 17.1 pretrial conference with the trial judge to be held at the discretion of the court.

DONE this 14th day of July, 2023.

A handwritten signature in black ink, appearing to read 'J. H. England, III', written over a horizontal line.

JOHN H. ENGLAND, III
UNITED STATES MAGISTRATE JUDGE